

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RAFAT MOHAMMED,

Plaintiff,

Case No. 07-14943

v.

Honorable Patrick J. Duggan

U.S. IMMIGRATION AND  
NATURALIZATION SERVICES,

Defendant.

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**OPINION AND ORDER**

At a session of said Court, held in the U.S.  
District Courthouse, Eastern District  
of Michigan, on September 10, 2009.

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

Rafat Mohammed (“Plaintiff”) initiated this action on November 19, 2007, seeking a writ of mandamus that compels the United States Immigration and Naturalization Services, which is now known as the United States Citizenship and Immigration Services (“Defendant” or “USCIS”), to complete all necessary background checks and security clearances necessary to adjudicate his application to adjust his status to a permanent resident alien. Defendant answered Plaintiff’s original *pro se* complaint on April 8, 2008. Presently before this Court is Defendant’s motion to dismiss or, in the alternative, for summary judgment. After counsel appeared on behalf of Plaintiff, Plaintiff filed a response to Defendant’s motion and an amended complaint on June 27, 2008. This Court

has held or adjourned numerous hearings since that time. For the reasons set forth on the record at the September 10, 2009, hearing:

**IT IS ORDERED** that Plaintiff's amended complaint is **DISMISSED WITHOUT PREJUDICE**.

**IT IS FURTHER ORDERED** that Defendant's motion to dismiss or, in the alternative, for summary judgment is **DENIED** as moot.

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:  
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